

# 10

## THE ETHICS OF APPROPRIATION

### “Misusing” the Found Document in *Suitcase of Love and Shame* and *A Film Unfinished*

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Since nearly the beginning of cinema, documentary filmmakers have been reusing pre-existing footage in new films in order to produce new narratives and arguments. From the compilation films of Soviet filmmaker Esfir Shub to the political polemics of Emile De Antonio to the critical comedies of Michael Moore, documentary films have mined found footage for new—and often subversive—meanings. In recent years, however, documentary filmmakers have increasingly been appropriating audiovisual documents not only from official government and commercial archives but also from a variety of other sources, including home movie collections and online digital databases such as YouTube. These alternative “archives” contain almost any kind of audiovisual material, from the most banal to the most sensational, and their wide availability broadens the question of what constitutes the ethical appropriation and reuse of a found document in documentary film. On some level, any appropriation of any document is fundamentally a “misuse.” That is, as any document is appropriated, it is also repurposed and made to say something that was not intended—or, at least, not anticipated—by whoever produced it for their own purposes. However, this does not mean that all appropriations are inherently unethical. Indeed, the act of appropriation of found documents may be accompanied by a range of effects, from the ethically suspect to the ethically ambiguous to the profoundly ethical.

The work of Bill Nichols and Vivian Sobchack has contributed greatly to our understanding of documentary ethics, and their ideas can be productively extended to a consideration of the ethics of appropriation. Nichols has argued that, in addition to recording the objects in front of the camera, the camera also inscribes the ethical stance of the documentary filmmaker vis-à-vis her subject. He writes: “An indexical bond exists between the image and the ethics that produced it. The image provides evidence not only on behalf of an argument but also gives evidence of the politics and ethics of its maker” (Nichols 1991: 77). In other words, as viewers, we read an

ethics of the documentary filmmaker in the images she has filmed. I would argue that we similarly read an ethics of the filmmaker in the documentary images—and sounds—she has *appropriated*. That is, appropriation compounds and complicates the ethics inscribed through the direct act of recording “reality.” Appropriation of previously recorded material creates a double-layered structure for our perception of the ethical stance of the film: on the first layer, the stance of the original filmmaker toward her material, and, on the second, that of the filmmaker who has appropriated this material, editing and reframing its images and sounds to a new end. It is the relation between these perceived stances that determines whether we read the reuse as ethical or not.

What are the criteria by which we evaluate the relation between these stances? In her “phenomenology of the ethical gaze,” Sobchack delineates a series of documentary “gazes” entailed in the filming of an actual death which seem to justify this filming, an act that might otherwise be regarded as unethical. The gazes that she identifies as ethical include the “accidental gaze,” the “helpless gaze,” the “endangered gaze,” the “interventional gaze,” and the “humane gaze” (Sobchack 2004: 249) In other words, the filmmaker may accidentally record the death, may be helpless to prevent the death, may herself be endangered in the situation, may attempt to intervene to prevent the death, or may record an image of death out of compassion for the dying, all of which seem to justify the filming of indexical, documentary death. The act of appropriation, however, always occurs at a remove. The filmmaker appropriating the recording does not share the situation with her filmed subject; therefore she is not in the same danger. Being in a different space and time, she is helpless in that she cannot intervene, but this does not in itself justify the appropriation, because she can choose whether or not to appropriate these images and sounds. Indeed, her appropriation is deliberate and cannot be excused as accidental. In fact, it is only the humane gaze—or a version of it—that may persist in the act of appropriation. Sobchack writes:

Marked by its extended duration, the humane gaze resembles a “stare”—a fixed look that tends to objectify that at which it gazes—except for the fact that it *visibly and significantly encodes in the image its own subjective responsiveness to what it sees.*

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Likewise, the appropriation filmmaker’s framing and editing of the image of death must convey a sense of “subjective responsiveness” and compassion for the dead for her reuse of the image to appear ethical. Otherwise, the appropriation will likely seem unethical, a violation of the rights of the dead.

While images of death bring questions of ethics into intense focus, this required sense of “subjective responsiveness” also applies to the appropriation of images—and sounds—that generate a feeling of ethical violation or transgression for other reasons. For instance, the feeling of transgression may arise when a found document we read as having been intended strictly for a private or limited audience is used in

a public documentary. This is particularly the case when it involves recordings of romantic and/or sexual activities. Even if recordings of these activities exist, if we understand that they were addressed only to a particular audience—a lover, for instance—it may seem like an ethical violation for a filmmaker to appropriate them for widespread display. However, as with an image of death, this understanding will depend, at least in part, on our sense of the subjective responsiveness of the appropriation filmmaker, how she chooses to reframe these private recordings and to what end. In addition, rather than exclusively through the duration Sobchack describes in relation to the act of direct filming, this sense of subjective responsiveness in the act of appropriation may emerge through editorial and other formal strategies—particularly anonymization and occlusion, discussed below—which may reduce the feeling of ethical transgression.

Our sense of the appropriation filmmaker's subjective responsiveness is even more important when we read the gaze of the original image as unethical, such as may be the case with found documents originally produced by those we perceive as perpetrators of a crime—prime examples include the Nazis who filmed and photographed their Jewish victims, the Khmer Rouge who photographed their prisoners before executing them, and the American soldiers who photographed and videotaped their atrocities against Iraqi prisoners at Abu Ghraib prison. Images originally created in unethical circumstances, often with the clear intention of dehumanizing the photographed, may be ethically repurposed only if their original purpose is actively interrogated or undermined. To reuse such images in a “straight” way may be read as complicit with the perpetrators, and the appropriation may therefore seem unethical. In order to ethically reuse an already ethically compromised image, a “countergaze”—aligned with the humane gaze and its subjective responsiveness—must deconstruct the original purpose of the image and present an opposing one.

Ultimately, however, the sense of what constitutes an ethical appropriation depends on the individual viewer, who must perform a complex (if not explicitly thought out) evaluation of multiple ethical layers. She must assess not only the ethical stance inscribed in the original image but also the ethical stance inscribed in the act of appropriation and reframing. Through this multilayered act of viewing, she must decide for herself if the strategies and ends justify the “misuse” of the found documents.

### Document(ary) eavesdropping

The soundtrack of Jane Gillooly's *Suitcase of Love and Shame* (2013) is composed of selections from 60 reels of audiotape recorded over three years in the 1960s and found in a suitcase Gillooly purchased on eBay in 2009. These audiotapes were recordings of the love “letters” of two people, Tom and Jeannie, who were having an affair. Most of the time, each recorded the audiotapes alone and then sent them to the other. At other times, they made tapes together. As a whole, these recordings—along with other documents and souvenirs—constituted what Jeannie refers to on

one tape as their “memory library.” In *Love and Shame*, the sounds of Tom and Jeannie speaking to each other on these recordings are accompanied by partially visible found images of Tom and Jeannie, images of the suitcase and tape reels themselves, Gillooly’s own evocative images, and sometimes a black screen. While Gillooly’s film actively “misuses” documents we understand as having been intended only for private use in a public documentary, it simultaneously deploys several key strategies that work to justify their “misuse” and to imbue the appropriation with a sense of subjective responsiveness that diminishes the sense of ethical transgression.

One of the primary attractions of Tom and Jeannie’s recordings is their sense of being private. Gillooly has noted that

the recordings were made in a uniquely unselfconscious state with the goal of reaching out to another human being—the lover—so much so that we listeners, a half-century later, can feel as though they are speaking directly to us, that we are in the room with them. Yet we know that Tom and Jeannie never expected these tapes to be heard by anyone [else].

(MacDonald 2013: 40)

In fact, this couple’s lack of self-consciousness is precisely what makes these recordings seem so “authentic.” In the digital era, most of us are aware that private recordings can be made public with a single click, but this was not the case in the 1960s. Tom and Jeannie seem completely unaware that anyone other than them might ever listen to their recordings, so there is almost no sense of inhibition. Yet, since they were recording themselves, there is no feeling of ethical transgression inscribed in the recordings themselves. Indeed, if we are to read the aural equivalent of a “gaze” associated with these recordings, it might be termed a “hermetic gaze,” looks enclosed within an intimate realm.<sup>1</sup>

However, along with this sense of unselfconscious authenticity, there is also a sense that we should not be listening to the details of these strangers’ intimate lives. Sometimes, these details are sexual. At one point we can hear Tom and Jeannie having sex, breathing hard and moaning. Later, during one of the funniest parts of the film, Tom describes the process of casting his penis in wax to send Jeannie for Valentine’s Day. On a later tape, we then hear Jeannie talking about, and then masturbating with, the wax dildo. Although this may seem rather funny, after Jeannie climaxes, she begins to cry, saying, “I’m sorry darling but I cry when it’s not you there and I just have to make out. Oh darling, oh how I love, how I miss you.” In fact, while the sexual moments seem intensely private, the emotional displays seem perhaps even more so. This is particularly the case on another tape Jeannie recorded, on which we hear her crying and talking about her longing for Tom and her sense of worthlessness without him. She says:

I love you, I just worship you Tom. I think you know that I love you so much. It—it’s terribly hard being away from you so long at a time. You have so many, many things to fill your days, and your mind overflows with the

preparations that you make for your classes and your article. And sometimes I feel as though I—I'm not contributing anything anywhere to anybody. With the exception of my deep love that I have for you, try to express to you, that's about really all I accomplish in the way of relations with other humans, Tom.

During this poignant confession—clearly meant only for Tom's ears—Jeannie's vulnerability heightens the sense that we were not meant to hear these recordings. The hermetic and intimate space that Tom and Jeannie created and inhabited together is violently torn asunder by our presence.

"No one has ever told me I shouldn't have used the recordings," Gillooly says of the response to her film, but she notes that a few audience members have reacted negatively—an older man angrily shouting "we don't need this" during a screening, a woman leaving the screening room during a Q&A with the filmmaker after belatedly realizing that Tom and Jeannie were real people rather than actors.<sup>2</sup> These reactions suggest that some viewers may see Gillooly's appropriation as encouraging the aural equivalent of a "voyeuristic gaze," which we generally understand as unethical.<sup>3</sup> However, the generally positive response to the film suggests that most viewers perceive something akin to the humane gaze in Gillooly's appropriation, a sense that she is sympathetic to Tom and Jeannie and tells their story not to exploit them but to try to understand and empathize with their experience.<sup>4</sup>

*Suitcase of Love and Shame* uses several strategies to avoid ethical transgression and to give viewers the sense that Gillooly's is a humane—or at least a respectful—gaze. First, except for their first names, Tom and Jeannie remain anonymous; we never learn any details from the soundtrack that would allow us to identify them. As Gillooly has stated,

I don't use their names and [ ... ] I avoided certain narrative threads that would more closely reveal who they were. I edited passages to deliberately mislead the audience to think something happened in a different geographic location. As much as possible I try to discourage the audience's impulse to figure out who they are.

(Durant 2014)

Second, visual representation of Tom and Jeannie is almost entirely absent. Gillooly did have access to some images of Tom or Jeannie, mainly in the form of photographic slides that were also found in the suitcase. However, the film includes only fragments of these images so that we never actually see what Tom and Jeannie look like. Instead, we see a shoulder, an ankle, the top of a head revealing a swath of red hair, a hand holding a glass, and so on. Thus, although we hear a great deal, our voyeuristic desire to see—or at least to see clearly—is thwarted (see Figures 10.1 and 10.2). This suggests a certain ethics on the part of Gillooly, who protects her subjects to some degree.



**FIGURE 10.1** *Suitcase of Love and Shame*: A fragment of an image showing Jeannie's ankle, maintaining her anonymity.



**FIGURE 10.2** *Suitcase of Love and Shame*: A partial image of Tom, occluding his face.

Moreover, these strategies of anonymization and visual occlusion serve not only to shield Tom's and Jeannie's identity (if not their privacy), but also to transform their story into a metonym for a wider historical and cultural narrative. Gillooly has suggested that Tom and Jeannie's story is not unique but represents many other liaisons that occurred behind closed doors during the 1960s. She notes:

I want to protect their anonymity, but I also don't feel that knowing the details of where they were from is important. I believe the film is much stronger for your not knowing—*Suitcase of Love and Shame* represents a way of life that was hardly exclusive to Tom and Jeannie or to any particular American location.

(MacDonald 2013: 38)

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Thus, Tom and Jeannie become metonymic representatives of similar hidden experiences during a particular era of American history. Indeed, the indexicality of their recordings also generates a sense of the particular space and time in which Tom and Jeannie lived. We hear the sound of the Miss America Pageant on television, which Jeannie included on one of her tapes. We catch the sounds of the dogs barking and secretaries querying in the background of a few of Tom's tapes, some of which were recorded at his veterinary practice. Often, we can hear someone speaking on the radio or a record playing in the background. The larger historical space beyond Tom and Jeannie's hermetic relationship emerges through the ambient sounds captured incidentally or intentionally. Furthermore, Gillooly does not reenact Tom and Jeannie's story in any literal sort of way on the image track. Instead—in addition to the occluded images of Tom and Jeannie, and the images of the suitcase, the audio cases, and the turning audio reels themselves—Gillooly inserts evocative images of the façades of typical middle-class American homes, a lighted window on a dark night, an empty street corner from above, a dark room with light coming through a door that is open just a crack, the lights of a passing car. These images produce an affective substitution that further suggests that Tom and Jeannie's situation was not exceptional. What we are seeing is the evocation of a context. The façades of multiple homes suggest the complex relationships that continue to occur behind those walls, the unrecorded secrets of which we will never know.

*Suitcase of Love and Shame* also reflexively foregrounds questions of its own ethical status, inviting the viewer to actively reflect on the filmmaker's act of documentary eavesdropping. On the film's website, Gillooly describes the effects she attempted to achieve:

the listener/viewer is variously located within and outside of the events—complicit and voyeuristic. The “eavesdropping viewer” [is] compelled despite feeling embarrassed and uncomfortable with the knowledge and access they have been given and the transgressions they imagine they see.

(Gillooly *n.d.*)

The film confronts viewers with their own experience of listening in on a conversation not meant for their ears. By presenting us with audio but not images of what we are hearing, the film opens a space within which we cannot help but picture what we are hearing. Thus, we are actively and ethically complicit in constructing the image of the relationship between Tom and Jeannie, visualizing the intimate moments of which they speak in our own minds. When we hear Tom describing his penis in Jeannie's mouth, it is quite difficult not to imagine the scene, even though we are not presented with an image of it. This act of imagination emphasizes not only the filmmaker's but also the viewer's role in the violation of Tom and Jeannie's private space.

As *Suitcase of Love and Shame* demonstrates, when private documents and their “hermetic gaze” are appropriated and made public in a documentary film, our

experience of voyeurism and/or eavesdropping may produce a sense of ethical transgression. However, the strategies of anonymization and visual occlusion may ameliorate this sense to some degree. Moreover, the film's metonymic representation of an otherwise undocumented aspect of a particular kind of experience at a particular moment in American life acts as at least partial justification for the ethical transgression, producing from it a sense of a broader historical significance. Tom and Jeannie's experience may even hold a universal resonance that transcends their historical moment, offering us an insight into the complexity of human relationships that cuts across time and space. Thus, although we are certainly trespassing on a private space, these ends may—at least for some viewers—warrant the incorporation of these found private documents into a public documentary.

### Document(ary) rectification

A different set of ethical issues based on appropriating and “misusing” found documents arises when the documents themselves have been produced by makers whom we know or perceive as perpetrators of crimes, and so are already inscribed with an unethical gaze. Indeed, in contrast to a film like *Love and Shame*, which raises questions of whether certain found documents *should* be reused, in other cases there seems to be an ethical imperative to reuse them to expose and critique their original purpose. One such case is Yael Hersonski's *A Film Unfinished* (2010). This film concerns an unfinished film shot by the Nazis in the Warsaw Ghetto in 1942 and rediscovered in 1954 in an East German film archive, in a series of film canisters labeled “Das Ghetto.” These are some of the few existing filmic images of the Warsaw Ghetto. These silent black-and-white images depict, among other scenes, busy streets full of carts and people, elegantly dressed Jews shopping or eating a lavish meal in a restaurant, a meeting of the Jewish Council, a circumcision ceremony, Jewish men and women separately taking a ritual bath, lingering portrait shots of individual Jewish men and women, emaciated Jewish corpses lying in the street, and bodies of dead Jews being pushed down a chute into a mass grave.

Hersonski's film indicates that, although these images were understood to have been propaganda when they were first found, in the intervening years their status as such was forgotten and the footage came to be regarded as a reliable source depicting ghetto life. The voiceover narration explains: “Ironically, after the war, this film commissioned by the Nazis turned into a trustworthy document for any filmmaker seeking to show what really happened, to tell the untellable. The cinematic deception was forgotten and the black-and-white images were engraved in memory as historical truth.” Indeed, Stuart Liebman notes that Frédéric Rossif's *Le Temps du ghetto* (1961) and Alexander Bernfes's 1968 BBC documentary about the ghetto “rather naively exploited the images as such” (2011: 15). He further argues that, through their reuse, these images became fundamental to our vision of the ghetto: “Almost without exception, the conceptual foundation for their continual recycling [ ... ] was and still is the same: This, the filmed images imply, is the way the Warsaw Ghetto looked; this was the way it was [ ... ] [while] in fact, there is a



profound gap between the way the ghetto appeared to the German cameramen's lenses and the way it was" (2011: 15). Hersonski's film thus sets out to rectify this case of mistaken reception. Other documents—both written and visual—are summoned in order to reframe the images of "Das Ghetto."

In order to understand the images properly, the film argues, we need to understand *why* they were produced. "In the absence of a final version of the film," the narrator says, "the intentions of the propagandists can never be determined. One can only surmise." Nevertheless, *A Film Unfinished* carefully attempts to piece together the Nazis' intentions in producing this footage. As Ursula Böser notes in her analysis of the film, the "process of audio-visual quotation raises questions about the historicity and origin of the archival footage, about what it was once meant to mean" (Böser 2013: 38). The question of what this particular footage "was once meant to mean" is crucial because it determines whether we read the footage as a reliable document of the Warsaw Ghetto or not. It is precisely the Nazis' intentions—which cannot be precisely known but are inevitably imagined by the viewer and can be determined to some degree by other evidence—that are at stake in Hersonski's appropriation and re-reading of the images.

Böser also notes the status of "Das Ghetto's" images as an instance of "perpetrator images," theorized by Marianne Hirsch (2008: 39). Hirsch suggests that certain images may inscribe the "gaze of the perpetrator" and, in the case of the Nazis, also their "genocidal intentions" (122). But this inscription is not immediately obvious from the "Das Ghetto" images themselves. Some of the images do read as unstaged actuality, particularly images of the starving begging for food and corpses lying in the street. As the camera lingers on starving children and dead bodies, the gaze looking at them might be mistaken for a "humane gaze" in that they are marked by duration, which could lead us to see them as compassionate. However, our extra-textual knowledge of the Nazis' campaign to murder all of Europe's Jews belies this interpretation. A "gaze" that more likely describes these images is another gaze identified by Sobchack: the "professional gaze." Sobchack writes that this gaze is "marked by ethical ambiguity, by technical and *machinelike competence* in the face of an event that seems to call for further and more humane response" (2004: 255). These horrifying unstaged scenes suggest this sense of a dispassionate, machinelike recording of a situation that seems to demand compassionate intervention.

Meanwhile, the degree of staging in other images is initially unclear. Many of the scenes from "Das Ghetto" emphasize a disparity between impoverished and starving Jewish residents of the ghetto and those who are better off. Böser asserts that

Even in its unfinished and silent state the rhetorical structure and propagandistic thrust that underlies the Warsaw footage is readily evident. It is predominantly conveyed through the constant juxtaposition of extremes between or within shots: the film is structured around the contrast between the well-clad and well-fed who live a life of "luxury," and the destitute and emaciated whose bodies are discarded as waste.

(2013: 42)

Yet, even if these images are read as unstaged, the repetition of this juxtaposition could still suggest a professional gaze, purporting to simply “document” the uncaring attitudes of rich Jews towards their poorer fellows. However, as Hersonski’s film reveals, reading the Nazi camera’s gaze in terms of the ethically ambiguous professional gaze is, in fact, far too generous. *A Film Unfinished* reveals the gaze of “Das Ghetto” to be a “propagandistic” and “dehumanizing” gaze, and a fundamentally unethical form of filmmaking.

In *A Film Unfinished*, voice frequently acts as counterpoint to the “Das Ghetto” images. As we watch the silent “Das Ghetto” footage, voiceover narration provides post hoc historical context, explaining the origins of the footage and the history of its (mis)use. The status of the footage as documentary evidence then begins to be further undercut as diary entries of Adam Czerniakov, the head of the Warsaw Ghetto Jewish Council, about the Nazi film crew’s activities are read on the soundtrack. Czerniakov notes the various ways in which the Nazi filmmakers coerced Jewish actors into participating in the film through payment or fear. He further describes the ways in which some of the scenes were staged. For instance, over corresponding images, we hear a voice reading Czerniakov’s diary entry for May 3, 1942:

At 10 a.m. the propaganda crew arrived. They started to take pictures in my office. First, they staged a scene of rabbis and petitioners entering my office, etc. Then they removed all the paintings and charts and brought in a nine-armed candlestick with all the candles lit.

As we watch the images overlaid with this narration, their staged and stilted nature becomes glaringly evident. Later, during the circumcision scene, we also hear Czerniakov’s entry about the event. He states that the Germans insisted that the procedure be performed in a home rather than a hospital, which would have been customary and, presumably, safer. He also notes that the scene was in jeopardy since it was uncertain if the main “actor,” the baby, would live long enough to complete it. Yet the Nazis were determined to film the scene. Czerniakov’s diary entries juxtaposed against the “Das Ghetto” footage undermine any claim that the images might represent “typical” Jewish life in the ghetto; rather, these images are revealed as fictional and—in the case of the circumcision scene—utterly inhumane.

Like Czerniakov’s diary entries, the transcript of postwar testimony by German cameraman Willy Wist, read aloud on the soundtrack over a stylized reenactment of his deposition, serves to undermine any sense that the scenes were objective representations of the ghetto. Wist claims he was just filming what he was told to film, stating that he had little direct contact with the Jews but that SS officers chose Jews for him to film whom they “deemed appropriate for filming.” Wist also notes that the Jews were “frightened of the SS [so] there were no incidents during filming.” These statements emphasize the fact that the film subjects were carefully chosen by the SS for particular reasons and coerced into participating. Wist also admits his own sense that the very choice of film subjects revealed a propagandistic intent. “I never knew what the purpose of the films we shot was,” he says.

“However, it was absolutely clear to me that they were intended for propaganda, particularly because we were focusing on the extreme differences between the rich and the poor Jews.” Wist repeatedly attempts to disown the dehumanizing, propagandistic gaze, even complaining at one point that “we didn’t have a chance to express ourselves,” but he nevertheless acknowledges his participation in constructing a false representation.

In addition to the narrated voices of Czerniakov and Wist, a third historical voice—or set of voices—is summoned to act as counterpoint to the “Das Ghetto” imagery. Emanuel Ringelblum, a Jewish historian who was forcibly resettled in the Warsaw Ghetto, organized a group of Jewish writers, artists, scientists, workers, and even children to document in writing their experiences in the ghetto, thereby creating an archive of Jewish experience known as *Oneg Shabbat*. Excerpts from some of these documents are also read on the soundtrack, some directly addressing the German filmmakers’ activities. “They continue filming everything inside the ghetto,” one voice says. “All the scenes are being staged. On Smocza Street, they assembled a crowd of Jews and ordered the Jewish policemen to disperse them.” Another voice adds, “In order to achieve a more ‘natural’ effect, guns were fired in the air to induce people to flee in panic.” As we watch these scenes, which might have been read as documentary crowd footage, the narration transforms the footage into a massive performance, albeit one in which the Jewish actors are genuinely frightened. This scene in *A Film Unfinished* ends with a freeze frame in which Hersonski zooms into the background of the image to focus on a German cameraman recording—another blow to the ostensible spontaneity of the event (see Figure 10.3). Clearly, multiple German cameras were in position to film this scene. The archival statements, combined with Hersonski’s editing, serve to further weaken the “Das Ghetto” images’ claim to be straightforward documentation, unmasking the professional gaze as a propagandistic gaze.



FIGURE 10.3 *A Film Unfinished*: A German cameraman visible in the background of a riot staged by the Nazis for the unfinished film *Das Ghetto*.

Hersonski's own documentary images also work as counterpoint to the images from "Das Ghetto." For instance, the Nazi footage is frequently interspersed with recent interviews with elderly survivors of the ghetto, who were children or young adults when the "Das Ghetto" footage was produced. As these survivors watch the footage—the light from the screen reflected on their faces—they comment on it, reframing our reading with their personal recollections. The survivors remember the specific locations and some of the people seen in the footage: a street performer named Rubenstein, a woman who frequently stood in the street holding her baby and begging for a piece of bread. They also remember the presence of the film crew, the fear that the Jewish residents experienced when the crew appeared, and the crew's overt interest in filming corpses lying in the street. These reminiscences undermine any pretense to a humane or even professional gaze by further exposing the unequal power relations between the filmmakers and their subjects. Other observations challenge certain images' claim to documentary status. Over scenes of a market, one survivor notes that the Germans "brought geese to the market to prove that Jews were living in reasonable conditions," changing the food we see for sale into props. Over footage from "Das Ghetto" showing a well-dressed Jewish woman setting a table with flowers and a teapot in a well-appointed apartment, another survivor comments, "Where did one ever see a flower? We would have eaten the flower. Who could stay in their private apartment with their furniture and their teapot? Who? Only the privileged like Czerniakov." This commentary overtly contradicts any pretense to typicality in the footage staged in Czerniakov's apartment. Moreover, a third survivor comments explicitly on the filmmakers' tendency to film the starving beside those who were better off. She says:

There were many contrasts in the ghetto. Many people kept clean and preserved their dignity. We used to shower and brush our teeth every day. Our mother took good care of us, even though the conditions were impossible. People who are not starving to death don't surrender their humanity [ ... ] People did what they could. That was the tremendous contrast and paradox that the Germans had created.

Thus, instead of allowing the footage to read as an indictment against the better-off Jews, this commentary establishes their heroism for maintaining their dignity in the face of an impossible situation. Moreover, the survivor points to the fact—obscured by the footage—that the ones to blame for all of the misery are, in fact, the Germans themselves. A critical gaze is thus turned back on the Germans through this survivor's viewing of the "Das Ghetto" footage.

While the various forms of testimony do a great deal to expose Nazis' intentions, the propagandistic, dehumanizing gaze of the Nazi filmmakers becomes even more apparent when additional found footage is inserted into the film. In 1998, 44 years after the "Das Ghetto" footage was found in East Germany, filmmaker Adrian Wood discovered two additional reels from the Warsaw shoot on a US Air Force base. These reels included outtakes that, Hersonski's film asserts, the Nazis never meant to be

seen. The outtakes visibly reveal that the Nazi film crew was not simply filming the reality of the ghetto as it spontaneously occurred but, rather, staging their own vision of that reality. Multiple takes of the same scenes, which Hersonski shows in succession, demonstrate that the film crew instructed Jewish people to perform particular acts in order to convey a preconceived image of the ghetto, one which emphasized the disparity between richer and poorer Jews and constructed a fictional vision of the richer Jews' uncaring attitude toward their poorer neighbors. For instance, we see several takes of a well-dressed woman ignoring a pair of boys dressed in rags as she enters a butcher shop. By staging these scenes as documentary evidence, the Nazis attempted to disguise their propagandistic gaze as the professional gaze. However, Hersonski's "misuse" of the outtakes makes the propagandistic, dehumanizing gaze explicit.

Although we can never really know with absolute certainty the intentions behind any text, *A Film Unfinished* suggests that we must nevertheless take intention into account in order to accurately evaluate the historical record. Indeed, Hersonski's film seems to fulfill an ethical imperative to demonstrate that the purported documentary intention to record the "real" may conceal more devious intentions, with the ostensibly professional gaze disguising the propagandistic gaze. When perpetrators produce images in order to dehumanize a group of human beings, it becomes a profoundly ethical act to "misuse" such images and establish a "countergaze." Yet nothing is ethically simple. To reuse these images may still seem unethical in relation to the people depicted in the images, most of whom are dead. Many, if not all, of them were coerced into being filmed. Certainly, those whose dead bodies were filmed never had any say in the matter. To look at these images could be considered a further violation of their dignity and humanity. Indeed, there is often a certain voyeuristic fascination in viewing the bodies of the poor, the starving, the dead, or the soon-to-be-dead. While the images are mostly anonymous—the names of most of the people filmed are unknown—they are not occluded. We see every detail of the emaciated corpses sliding into their mass grave. Yet there also seems to be an ethical imperative to bear witness; to occlude these images would obscure the extent of the horror of what the Nazis did. Thus, rather than occluding the unethical image, *A Film Unfinished* instead reasserts the humane gaze over and above the dehumanizing gaze of the Nazi filmmakers. In addition to directing our gaze to the German cameramen, Hersonski's use of freeze frames and slow motion also increases the duration of our own gaze at the Jewish subjects. By increasing the duration of the dehumanizing, propagandistic gaze, she asserts her own compassionate subjective responsiveness and thereby transforms the gaze into its opposite: the humane gaze that bears witness. Thus, through this palimpsest of gazes, footage intended to degrade and demean is reclaimed as a tribute to those who were filmed against their will and then—most of them—sent to die just months later. Viewing the Nazis' footage, which was meant to dehumanize in order to justify mass murder, may to some degree provoke a sense of voyeuristic complicity in the viewer. However, the "misuse" of the footage in the name of historical justice warrants its reuse. As she watches the Nazi footage of the dying and dead, one survivor weeps, saying, "Today, I am human. Today, I can cry."

## Conclusion

*Suitcase of Love and Shame* and *A Film Unfinished* illuminate the multiple layers of interpretation involved in the viewing of appropriated footage and in determining the ethical valence of the appropriation as it is mobilized in the service of a documentary film. When private recordings are made public in a documentary, we may read the appropriation as voyeuristic unless the filmmaker's editing strategies adequately establish a sense of subjective responsiveness. When perpetrator footage structured through a dehumanizing gaze is appropriated into a documentary, the appropriation must establish an ethical countergaze in order for the appropriation to seem ethically acceptable. There may be many other, related structures in which two different gazes are juxtaposed within the viewer's experience of a single appropriated shot. In any case of appropriation, however, the ethics of the original gaze played against the ethics of the gaze of the appropriator will determine whether we read the appropriation as ethical or unethical. Documentary filmmakers now have access to an unprecedented amount of recorded material from an abundance of sources. With access, however, comes responsibility. Every reuse is, indeed, a "misuse." But the spectrum between a reuse as exploitation and as meaningful inquiry that adds to our understanding of our shared historical world must be further articulated so that we may distinguish between productive misuse and its destructive corollary: abuse.

## Notes

- 1 Of course, when referring to audio recordings, the visual term "gaze" is not quite appropriate. However, our vocabulary for sonic activity is much more limited than for visual activity. Hence, the term "gaze" will have to stand in here for the act of listening as well as looking.
- 2 Phone interview with Jane Gillooly, September 20, 2014.
- 3 Again, the term "voyeuristic" is not quite appropriate, since voyeurism refers to sight and this film lets us hear but not see. However, there is no parallel word for the desire to hear.
- 4 In contrast, Werner Herzog's decision not to include the audio recording of Timothy Treadwell's and Amie Huguenard's deaths in his 2005 documentary *Grizzly Man* points to the fact that any appropriation of certain recordings may seem unethical and impossible to justify. As Herzog himself suggests in *Grizzly Man*, the aural voyeurism generated by that recording is too strong, so strong that Herzog tells Jewel Palovak, who possesses the tape, to destroy it.

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